IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

F.A.O. No. 3284 of 1999
Date of decision : 17.1.2007

Smt. Krishna Devi & Anr.

.....Petitioners.

Versus

Roshan & Ors.

.....Respondents.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr. Mani Ram Verma, Advocate
for the appellants.

Mr.V. Ramswaroop,Advocate
for respondent No.3.

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VINOD K. SHARMA,J.(ORAL)

The present appeal has been filed against the award passed by the learned Motor Accident Claims Tribunal, Bhiwani in M.A.C.T. Case No. 32 of 1998 decided on 1.9.1999.

The claimants are the parents of deceased Kuldeep Kumar, who died in a motor vehicular accident on 12.1.1998. The Tribunal on appreciation of evidence had come to the conclusion that the accident in question had taken place due to rash and negligent driving of jeep No. HR-35-A-742 by its driver Roshan respondent. However, on issue No.2, the learned Tribunal after taking the salary of the deceased to be Rs. 4103/- fixed the dependency of the appellant as Rs. 1500/-p.m.

The only contention raised by the learned counsel for the appellants is that dependency of Rs. 1500/- p.m. is on the lower side as keeping in view the fact that deceased was employed and was working in

B.S.F. where number of facilities were available to him, the contribution to the parents could not be less than Rs. 2735/- i.e. after cut of 1/3rd which might have been used by him for his personal necessity. I find force in this contention and accordingly hold that dependency of the parents is to be worked out as Rs. 2735/- p.m. and multiplier of 12 is to be applied. Accordingly, the total compensation comes to Rs. 3,93,840/-. In addition, the parents are entitled to funeral expenses of Rs. 5000/-. Thus, total compensation payable to the parents comes to Rs. 3,98,840/- (Rs. three lacs ninety eight thousand eight hundred and forty only). The parents would also be entitled to interest @ 9% per annum on the enhanced amount from the date of filing of claim petition till its realisation. The liability of respondents shall be joint and sevaral.

The appeal stands allowed in above terms.

17.1.2007. **(VINOD K. SHARMA)**
'sp' **JUDGE**